

Filed 7/10/01 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2001 ND 117

State of North Dakota,

Plaintiff and Appellee

v.

Randy Scott Jensen,

Defendant and Appellant

Nos. 20010012-20010014

Appeal from the District Court of Grand Forks County, Northeast Central
Judicial District, the Honorable Debbie Gordon Kleven, Judge.

AFFIRMED.

Per Curiam.

David T. Jones (on brief), Assistant State's Attorney, and Tory J. Langemo (on
brief), third-year law student, 124 S. 4th St., P.O. Box 5607, Grand Forks, ND 58206-
5607, for plaintiff and appellee.

Steven J. Simonson (argued), 421 DeMers Ave., Ste. 3, Grand Forks, ND
58201, for defendant and appellant.

State v. Jensen
Nos. 20010012-20010014

Per Curiam.

[¶1] Randy Scott Jensen appeals from criminal judgments after a jury found him guilty of Driving Under Revocation, Driving Under the Influence, and False Report to Law Enforcement. Jensen argues he did not waive his right to a preliminary hearing on the charge of Driving Under the Influence (Case No. 18-98-K-01813), so that case should have been dismissed prior to trial. Jensen further asserts the trial court erred by admitting into evidence his driving abstract, which he argues was irrelevant and cumulative because an officer had already testified Jensen's driving privileges were revoked at the time of arrest. Finally, Jensen contends that without the results of an Intoxilyzer test, the evidence was not sufficient to support his conviction for Driving Under the Influence. We conclude Case No. 18-98-K-01813 should not have been dismissed prior to trial because a preliminary hearing was held concerning that case; the trial court did not abuse its discretion in admitting Jensen's driving abstract into evidence; and the evidence was sufficient to prove Jensen's conviction, without administering an Intoxilyzer test, as the officer observed Jensen's erratic driving, slow responses, red and watery eyes, slurred speech, odor of alcohol, belligerence, falling against the vehicle, and scoring the maximum number of six clues of intoxication on one field sobriety test. We summarily affirm under N.D.R.App.P. 35.1(a)(3), (4).

[¶2] Gerald W. VandeWalle, C.J.
Carol Ronning Kapsner
Dale V. Sandstrom
William A. Neumann
Mary Muehlen Maring